

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL DOCKET NO.: 08-041</b>
<b>VERSUS</b>	*	<b>SECTION: "A" (1)</b>
<b>DERRICK KENDALL AMBO</b>	*	
	* * *	

**FACTUAL BASIS**

If this case were to proceed to trial, the Government would prove the Defendant guilty beyond a reasonable doubt of Count One of the Indictment. The Defendant, **DERRICK KENDALL AMBO**, is charged with knowingly and intentionally possessing in and affecting commerce a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). The Government would establish the following through reliable and competent evidence:

1. On September 4, 2007, Commissioner Marie A. Bookman of the Criminal District Court for the Parish of Orleans, State of Louisiana, issued a warrant for the arrest of the Defendant, **DERRICK KENDALL AMBO**, based upon allegations of abuse made by his wife.

2. On January 15, 2008, at approximately 6:50 a.m., Deputy United States Marshal (“DUSM”) Raymond Smiles and deputies of the Crescent Star Fugitive Task Force located and apprehended **AMBO** at 7732 Shubert Street in New Orleans, located within the Eastern District of Louisiana, pursuant to the above-mentioned valid arrest warrant.

3. DUSM Smiles was assigned to cover the perimeter of the residence, while other deputies and task force officers were assigned to be the “entry team.” At approximately 6:50 a.m., members of the entry team knocked and announced their presence by stating, “Police with a warrant! Open the door!” At that time, DUSM Smiles was posted near the rear right corner of the residence. After officers knocked on the front door, DUSM Smiles heard a window open from across the wooden fence that divided the backyard. DUSM Smiles looked through a crack in the wooden fence and witnessed a black male attempting to flee the residence out of the rear bathroom window with a small black firearm in his right hand.

4. DUSM Smiles immediately recognized the subject as **AMBO**, because a picture of **AMBO** had been shown during a briefing prior to the attempted execution of the warrant. Smiles sent a message over the radio stating, “he has a gun,” and he immediately ordered **AMBO** to drop the weapon. **AMBO** apparently heard the commands given by Smiles, because he looked in Smiles’s direction, quickly closed the window, and went back into the residence, where members of the entry team who already were inside took **AMBO** into custody without incident.

5. After **AMBO** was apprehended, a search incident to his arrest revealed a small black firearm consistent with what DUSM Smiles had witnessed minutes earlier. The weapon was recovered from under the mattress in the master bedroom in which **AMBO** was apprehended, and was later

determined to be a Jimenez Arms model J.A. 380, .38 caliber pistol, bearing serial number 047916, loaded with three (3) rounds of ammunition.

6. At the time of his arrest, **AMBO** previously had been convicted of more than one crime punishable by imprisonment for a term exceeding one year: a conviction on November 15, 2004, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 449-659 “C,” for Possession of Cocaine, in violation of Louisiana Revised Statute 40:967(C)(2); convictions on October 5, 1999, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 407-524 “C,” for Simple Kidnaping and Simple Robbery in violation of Louisiana Revised Statutes 14:45 and 14:65, respectively; and a conviction on June 23, 1997, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 389-985 “G,” for Possession With the Intent to Distribute Marijuana, in violation of Louisiana Revised Statute 40:966(B)(3).

7. The above-mentioned Jimenez Arms .38 caliber pistol is a firearm as defined in Title 18, United States Code, Section 921(a)(3). Furthermore, it was not manufactured within the State of Louisiana, therefore, it has affected interstate commerce.

**DERRICK KENDALL AMBO** admits that he was in possession of the above-mentioned Jimenez Arms model J.A. 380, .38 caliber pistol, bearing serial number 047916, on January 15, 2008, and he acknowledges that said conduct constitutes a knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**APPROVED AND ACCEPTED:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
**DERRICK KENDALL AMBO**  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
**SAMUEL J. SCILLITANI**  
Attorney for Defendant

\_\_\_\_\_  
Date

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**R. CHRISTOPHER COX III**  
Assistant United States Attorney